

UNITED STATES BANKRUPTCY COURT
DISTRICT OF MINNESOTAIn re:
Brian Lemar Burwell, Jr.Case No.
CHAPTER 13 PLAN ☐ Modified
Dated: **May 11, 2023**Debtor.
In a joint case, debtor means debtors in this plan.**Part 1. NOTICE OF NONSTANDARD PLAN PROVISIONS, SECURED CLAIM LIMITATIONS, AND LIEN OR SECURITY INTEREST AVOIDANCE: Debtor must check the appropriate boxes below to state whether or not the plan includes each of the following items:**

1.1	A limit on the amount of a secured claim based on a valuation of the collateral for the claim, set out in Parts 9 or 16	<input type="checkbox"/> Included	<input checked="" type="checkbox"/> Not included
1.2	Avoidance of a security interest or lien, set out in Part 16	<input type="checkbox"/> Included	<input checked="" type="checkbox"/> Not included
1.3	Nonstandard provisions, set out in Part 16	<input checked="" type="checkbox"/> Included	<input type="checkbox"/> Not included

Part 2. DEBTOR'S PAYMENTS TO TRUSTEE: The initial plan payment is due not later than 30 days after the order for relief, unless the court orders otherwise.

2.1 As of the date of this plan, the debtor has paid the trustee \$___.

2.2 After the date of this plan, the debtor will pay the trustee:

Plan payment	Start MM/YYYY	End MM/YYYY	Total
\$675.00	6/2023	5/2026 (36 payments)	\$24,300.00
TOTAL:			\$24,300.00

2.3 The minimum plan length is ☒ 36 months or ☐ 60 months from the date of the initial plan payment unless all allowed claims are paid in a shorter time.2.4 The debtor will also pay the trustee **0.00**.2.5 The debtor will pay the trustee a total of \$ **24,300.00** [lines 2.1 + 2.2 + 2.4]

Part 3. PAYMENTS BY TRUSTEE AND TRUSTEE'S FEES: Prior to confirmation of the plan, the trustee will pay from available funds payments designated as Adequate Protection ("Adq. Pro.") under Parts 8 and 9 to creditors with claims secured by personal property. All other funds will be disbursed by the trustee following confirmation of the plan as soon as is practicable. The trustee will pay from available funds only to creditors for which proofs of claim have been filed. The trustee is not required to retain funds for any claim for which a proof of claim has not been timely filed and may disburse those funds to other claimants. The trustee may collect a fee of up to 10% of plan payments, or \$ **2,430.00** [line 2.5 x .10]

Part 4. EXECUTORY CONTRACTS AND UNEXPIRED LEASES [§ 365] — The debtor assumes the following executory contracts or unexpired leases. Debtor will pay directly to creditors all payments that come due after the date the petition was filed. Cure provisions, if any, are set forth in Part 7.

	Creditor	Description of Property
4.1	Herzog Property Management LLC	Month-to-Month contract
4.2	T-Mobile	Cell phone contract

Part 5. CLAIMS NOT IN DEFAULT — Payments on the following claims are current. The debtor will pay directly to creditors all payments that come due after the date the petition was filed. The creditors will retain liens, if any.

	Creditor	Description of Property
	-NONE-	

	Creditor	Amount of default	Monthly payment	Beginning in #mo./yr.	# of payments	Remaining Payments	+ amount paid to date by Trustee (mod plan only)	Total payments
	-NONE-							
TOTAL								\$0.00

								<i>+ amount paid to date by Trustee (mod plan only)</i>	
	Creditor	Amount of default	Interest rate (if any)	Beginning in mo.yr	Monthly Payments	# of payments	Remaining Payments		= Total payments
	-NONE-								
TOTAL									\$0.00

	Creditor	Est. Claim amount	Secured claim amount	Int. Rate	Adq. Pro. (Check)	Begin-ni ng in mo./yr.	Monthly payment	# of Payments	Remaining payments	+amount paid to date by Trustee (mod plan only)	= Total payments
					<input type="checkbox"/>						
TOTAL											\$0.00

	Creditor	Est. Secured Claim amount	Int. rate	Adq. Pro. (Check)	Beginning in mo./yr.	Monthly payment	# of Payments	Remaining payments	+amount paid to date by Trustee (mod plan only)	Total payments
9.1	Co-op Credit Union	\$3,137.11	6.00	<input checked="" type="checkbox"/>	6/2023	\$50.00	6	\$300.00		\$3,459.55
					12/2023	\$532.04	6	\$3,192.24		
TOTAL									\$3,459.55	

Part 10. PRIORITY CLAIMS (not including claims under Part 11): The trustee will pay in full all claims entitled to priority under § 507(a)(2) through (a)(10), including the following. **The amounts listed are estimates.** The trustee will pay the allowed portion of the priority amount listed in the proof of claim.

	Creditor	Claim Amount	Beginning in mo.yr.	Monthly payment	# of payments	Remaining payments	+ amount paid to date by Trustee (mod plan only)	=Total payments
10.1	Attorney Fees	\$3,313.00	6/2023	\$557.50	6	\$3,313.00		\$3,313.00
10.2	IRS	\$1.00		pro-rata	pro-rata	\$1.00		\$1.00
10.3	MN Department of Revenue	\$1.00		pro-rata	pro-rata	\$1.00		\$1.00
TOTAL								\$3,315.00

Part 11. DOMESTIC SUPPORT OBLIGATION CLAIMS: The trustee will pay in full all domestic support obligation claims entitled to priority under § 507(a)(1), including the following. **The amounts listed are estimates.** The trustee will pay the allowed portion of the priority amount listed in the proof of claim.

	Creditor	Claim amount	Beginning in mo./yr.	Monthly payment	# of payments	Remaining payments	+ amount paid to date by Trustee (mod plan only)	=Total payments
11.1	Mn Child Support	\$13,000.00		pro-rata	pro-rata	\$13,000.00		\$13,000.00
TOTAL								\$13,000.00

Part 12. SEPARATE CLASSES OF UNSECURED CLAIMS — In addition to the class of unsecured claims specified in Part 13, there shall be separate classes of non-priority unsecured creditors including the following. The trustee will pay the allowed portion of the nonpriority amount listed in the proof of claim. **All following entries are estimates.**

	Creditor	Undersecured claim amount	Interest Rate (if any)	Beginning in mo./yr.	Monthly Payment	# of Payments	Remaing payments	+ amount paid to date by Trustee (mod plan only)	= Total payments
	-NONE-								
TOTAL									\$0.00

Part 13. TIMELY FILED UNSECURED CLAIMS — The trustee will pay holders of allowed non-priority unsecured claims for which proofs of claim were timely filed the balance of all payments received by the trustee and not paid under Parts 3, 6, 7, 8, 9, 10, 11, and 12 their pro rata share of approximately \$ 2,062.76 [line 2.5 minus totals in Parts 3, 6, 7, 8, 9, 10, 11, and 12].

13.1 The debtor estimates that the total unsecured claims held by creditors listed in Part 8 and 9 are \$ 0.00 .

13.2 The debtor estimates that the debtor's total unsecured claims (excluding those in Part 8 and 9) are \$ 153,842.07 .

13.3 Total estimated unsecured claims are \$ 153,842.07 [lines 13.1 + 13.2].

Part 14. TARDILY-FILED UNSECURED CREDITORS — All money paid by the debtor to the trustee under Part 2, but not distributed by the trustee under Parts 3, 6, 7, 8, 9, 10, 11, 12, and 13, will be paid to holders of allowed nonpriority unsecured claims for which proofs of claim were tardily filed. Tardily filed claims remain subject to objection pursuant to 11 U.S.C. §502(b)(9).

Part 15. SURRENDER OF COLLATERAL AND REQUEST FOR TERMINATION OF STAY: The debtor has surrendered or will surrender the following property to the creditor. The debtor requests that the stays under §§ 362(a) and §§ 1301(a) be terminated as to the surrendered collateral upon confirmation of the plan.

	Creditor	Description of Property (including complete legal description of real property)
15.1	Westlake Portfolio Management, LLC	2016 Ford Explorer 180,000 miles

Part 16. NONSTANDARD PROVISIONS: The Trustee may distribute additional sums not expressly provided for herein at the trustee's discretion. Any nonstandard provisions, as defined in FRBP 3015(c), must be in this Part. Any nonstandard provision placed elsewhere in the plan is void. Any request by the debtor to modify a claim secured only by a security interest in real property that is the debtor's principal residence must be listed in this Part and the debtor must bring a motion to determine the value of the secured claim pursuant to Local Rule 3012-1(a).

16.1	<p>The debtor(s) shall provide copies of their federal and state income tax returns to the trustee annually and shall pay the net amount of their combined income tax refunds in excess of (\$2,000 joint, \$1,200 individual), less any earned income credit, as additional plan payments.</p> <p>Pursuant to 11 U.S.C. Section 1305, a proof of claim may be filed by the Internal Revenue Service for taxes that become payable while the case is pending. The trustee shall only pay 11 U.S.C. Section 1305 claims attributable to the taxable year in which the case concerning such debtor(s) was filed, and only to the extent funds are available.</p> <p>Fed Loan Servicing and U.S. Dept of Education will receive a pro-rata share through the chapter 13 plan for the debtor's student loans.</p> <p>Debtor shall turnover any funds exceeding his remaining D5 of \$6,361.63 from potential claim listed on Schedules A/B and C as an additional payment to the trustee.</p>
16.2	

SUMMARY OF PAYMENTS:

Class of Payment		Amount to be paid
Payments by trustee [Part 3]	\$	2,430.00
Home mortgages in default [Part 6]	\$	0.00
Claims in Default [Part 7]	\$	0.00
Secured claims subject to modification (cramdown) pursuant to § 506 [Part 8]	\$	0.00
Secured claims excluded from § 506 [Part 9]	\$	3,492.24
Priority Claims [Part 10]	\$	3,315.00
Domestic support obligation claims [Part 11]	\$	13,000.00
Separate classes of unsecured claims [Part 12]	\$	0.00
Timely filed unsecured claims [Part 13]	\$	2,062.76
TOTAL (must equal line 2.5)	\$	24,300.00

Certification regarding nonstandard provisions:

I certify that this plan contains no nonstandard provision except as placed in Part 16.

Signed: **/s/ Robert Thyen**
Robert Thyen
Attorney for debtor or debtor if pro se

Signed: **/s/ Brian Lemar Burwell, Jr.**
Brian Lemar Burwell, Jr.
Debtor 1

Signed: _____
Debtor 2 (if joint case)